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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/696,446

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Carey B. Fan

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EXAMINER

NALVEN, ANDREW L

ART UNIT

PAPER NUMBER

2134

MAIL DATE

DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/696,446	Applicant(s) FAN ET AL.	
	Examiner ANDREW L. NALVEN	Art Unit 2134	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 March 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6,8,9,12,14,16-22,24,26,28 and 30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6,8,9,12,14,16-22,24, 26, 28 and 30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 October 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The prior office actions are incorporated herein by reference. In particular, the observations with respect to claim language, and response to previously presented arguments.
2. Claims 1-6, 8, 9, 12, 14, 16-22, 24, 26, 28 and 30 are pending.

Response to Arguments

3. Applicant's arguments filed 3/28/2008 have been fully considered, but are not persuasive.
4. Applicant argues that the combination of Chern, Phelan, Raith, and MacDoran fail to teach determining whether the geographical location identified by the location stamp corresponds to a predetermined location relevant to at least one action identified from the message, the at least one action comprising a charge to an account. Examiner respectfully disagrees. Examiner relied upon Chern to teach generating a message from a mobile device, the message having significance independent of reporting a geographical location of the mobile device (Chern, column 4, lines 47-48). Further, Examiner relied upon Raith to teach the limitation in question. Raith discloses determining whether the geographical location identified by the location stamp corresponds to a predetermined location relevant to at least one action identified from the message, the at least one action comprising a charge to an account (Raith, column

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3 lines 35-49, column 2 lines 35-55). Raith teaches the limitation by disclosing a comparison between a geographic location received from a mobile device and a pre-determined location in the form of a pre-assigned home area location (Raith, column 3 lines 35-49). If the location received from the mobile device matches the location of the predetermined and pre-assigned home area then preferential pricing is provided (Raith, column 3 lines 35-49). Further, the location received from the mobile device is relevant to the action of billing (Raith, column 3 lines 35-49) which is a form of charge to an account. Thus, Examiner maintains that Raith teaches determining whether the geographical location identified by the location stamp corresponds to a predetermined location relevant to at least one action identified from the message, the at least one action comprising a charge to an account (Raith, column 3 lines 35-49, column 2 lines 35-55).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 1-6, 8-9, 16-22, 24, 30 are rejected under 35 U.S.C. 103(a)** as being unpatentable over Chern et al US Patent No. 6,456,854 in view of Phelan US Patent

No. 6,240,360, Raith US Patent No. 6,687,504 and MacDoran et al US Patent No. 5,757,916.

6. **In regards to claims 1 and 17**, Chern discloses a method and system for tracking mobile telephone devices (Chern, column 1 line 57-59), generating a message from a mobile device, the message having significance independent of reporting a geographical location of the mobile device (Chern, column 4, lines 47-48). Chern fails to specifically disclose attaching to an overhead portion of the message an automatically generated location stamp indicating the geographical location of the mobile device as an origin of the message, using the location for an action comprising a charge, and confirming an identity of a sender of the message based on the location stamp. However, Phelan teaches attaching to an overhead portion of the message an automatically generated location stamp indicating the geographical location of the mobile device as an origin of the message (Phelan, column 7 line 65 – column 8 line 38, adds HTTP header line including GPS location to its request messages). Further, MacDoran teaches confirming an identity of a sender of the message based on the location stamp (MacDoran, identity of a remote user entity is authenticated by use of location information, column 28 lines 45-51). Further, Raith teaches determining whether the geographical location identified by the location stamp corresponds to a predetermined location relevant to at least one action identified from the message, the at least one action comprising a charge to an account (Raith, column 3 lines 35-49, column 2 lines 35-55). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to utilize Phelan's method of adding location

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information to HTTP headers, Raith's method of charging using locations, and MacDoran's method of authenticating using location because it offers the advantage of allowing communication with millions of hosts and servers because they use the standard HTTP protocol (Phelan, column 1 lines 15-35) and allowing additional web based services which rely upon location data (Phelan, column 1 line 62 – column 2 line 8), because it offers the advantage of allowing pricing systems to be dependent upon a user location (Raith, column 3 lines 35-49) and because it offers the advantage of making spoofing of authentication information difficult because it is constantly changing (MacDoran, column 1 lines 5-20).

In regards to claim 2, 3, 18 and 20, Chern as modified discloses the system uses a GPS

which determines location in terms of parameters such as latitude, and longitude (Chern: column 4, lines 23-29).

In regards to claim 4, Chern as modified discloses an application, which provides driving

directions to the user (Chern: column 4, lines 57-67).

In regards to claims 5, 6, 21, and 22, Chern as modified discloses the user request the

business or service type vocally or via keypad entry (see column 5, lines 13-14).

In regards to claims 8 and 23, Chern as modified discloses "the handset user requests driving directions to the destination, and the handset relays the requests to the server" (see column 4, lines 58-60).

In regards to claims 9, 19, and 24, Chern as modified discloses a mobile telephone (Chern: column 1, lines 57-59).

In regards to claims 16 and 30, Chern as modified discloses a first receiver at the web server that receives the GPS location information from the mobile unit and the recorder which stores the latitude and longitude information received from the mobile unit. The Browser device connects to the web server and accepts the transmission of the GPS information from a second receiver. The display presents the GPS information on the display of the browser device (Chern: column 8, lines 21-42).

Claims 12, 14, and 26, 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chern et al US Patent No. 6,456,854, Phelan US Patent No. 6,240,360, Raith US Patent No. 6,666,887, 5,04, and MacDoran et al US Patent No. 5,757,916 as applied to claims 1 and 17 above, and further in view of U.S. Patent No. 6,067,529 to Ray et al.

Chern as modified discloses a method and system from tracking mobile telephone devices (Chern: column 1 line 57-59). Chern discloses that when a user requests information the hand set provides the location of the handset to the server (Chern: column 4, lines 47-48). Chern, however, does not disclose "wherein the action is a delivery," "a charge to an account," or "the charge is a credit card charge."

Referring to the instant claims, Ray teaches that when a consumer makes a purchase, the sales terminal can generate a short message along with the detailed purchase information (see Abstract). A menu can be displayed on the phone and the consumer can select the desired credit card number and request a receipt. The credit card number can be sent along with the transport address or alias address to the sales terminal for authorization of the credit card number (Ray: column 3, lines 52-67, column 4, lines 1-14).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the method of sending a location identifier with a request from a mobile phone as disclosed in Chern with the method of sending a credit card number across a mobile phone as disclosed in Ray. One of ordinary skill in the art would have been motivated to combine the method of sending a location identifier with a request from a mobile phone as disclosed in Chern with the method of sending a credit card number across a mobile phone as taught in Ray in order to provide substantially immediate purchase information to consumers in a paper-less environment (see Ray column 2, lines 5-7).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANDREW L. NALVEN whose telephone number is (571)272-3839. The examiner can normally be reached on Monday - Thursday 8-6, Alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Zand can be reached on 571 272 3811. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Andrew L Nalven/
Primary Examiner, Art Unit 2134